AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

110TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
110–812

TULE RIVER TRIBE WATER DEVELOPMENT ACT

JULY 31, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2535]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2535) to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2535 is to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Tule River Reservation is located near Porterville, California, approximately 75 miles south of Fresno and 45 miles north of Bakersfield in Tulare County. The Tule River Indians are descendants of the Yokut Indians, and the Tule River Reservation is comprised of the Wukchumni, Yawilmani, Wuksachi, Yaudanchi, Pankahlalchi, and Koyati Tribes.

Tule River Tribal members number just over 1,500 people and the Reservation covers 58,000 mostly mountainous acres. The Reservation is drained almost entirely by the South Fork Tule River,

69–006

although Tribal members rely on springs and groundwater wells for water. The Tribe seeks to study the Reservation's water supplies and storage options in order to assess the feasibility of future projects.

COMMITTEE ACTION

H.R. 2535 was introduced on May 24, 2007 by Rep. Devin Nunes (R–CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. On September 25, 2007, the Subcommittee held a hearing on the bill.

On July 15, 2008, the Subcommittee met to mark up the bill. It was adopted by unanimous consent. The bill was then forwarded to the Full Committee. On July 16, 2008, the Full Natural Resources Committee met to consider H.R. 2535. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the "Tule River Tribe Water Development Act."

Section 2. Study

Section 2 authorizes the Secretary of the Interior, acting through the Bureau of Reclamation, to complete a feasibility study to evaluate alternatives for a domestic, commercial, municipal, industrial, and irrigation water supply for the Tule River Tribe of the Tule River Reservation, including phase I reservoir storage. The Secretary must submit a report to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources after completion of the study. Section 2 also authorizes the appropriation of $3,000,000. The Committee is aware that the Tribe has not adjudicated their water rights. The bill does not authorize any project construction nor does it adjudicate and settle the Tribe's water rights. The bill does, however, authorize a feasibility study. The Committee understands that the Tule River Tribe views this legislation as an important first step in settling their water claims since the feasibility study looks at water supply and storage options on the reservation.

Section 3. Conditions for future projects

Section 3 of H.R. 2535 outlines future usage limitations for water projects studied under this Act. Section 3 states that no water supplies shall be provided for the proposed Tribal Casino to be located in proximity to California Highway 190 near Lake Success, or any other Tribal casino except in its current form as operated by the Tribe, and any lodging, dining, meeting space, or similar use associated with the current casino or a future expansion of the casino.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on

Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2535—Tule River Tribe Water Development Act

H.R. 2535 would direct the Bureau of Reclamation to conduct a feasibility study to evaluate alternatives for providing a dedicated water supply for the Tule River Tribe of California. Assuming appropriation of the authorized amount, CBO estimates that implementing H.R. 2535 would cost $3 million over the next two years. Enacting the legislation would not affect direct spending or revenues.

H.R. 2535 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Tyler Kruzich. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 2535 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

○